



10/02847 (old 110/01309)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Assaf DEKEL

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8

Serial No : 10/031,450

Group Art Unit: 3732

Filed : August 6, 2002

Examiner: Unknown

For : Method and Apparatus for Spinal Procedures

**INFORMATION DISCLOSURE STATEMENT**

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

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Sir:

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Applicant respectfully directs the attention of the Examiner to art cited with respect to PCT/IL00/00458 of which the current application is a U.S. national application under 35 U.S.C. §371.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is Form PTO-1449 listing the cited art. Also attached are copies <sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent. Applicant wishes to point out that items 1, 3 and 5-7 were cited on the PCT International Search Report. Copies of these items are not attached as they are available in the national stage file.

Since items 6 and 7 (German Patents Nos. DE 32 09 403 and DE 40 36 804 respectively) are in a foreign language, US equivalents are unknown to the applicant and

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

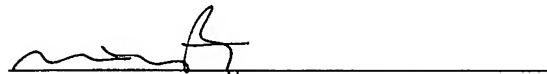
therefore not provided. Applicant attaches copies of an English language abstract to their references.

In accordance with MPEP Section 609 it is requested that each document cited (including any mentioned in Applicant's specification which is not repeated on the attached PTO-1449 form) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Assaf DEKEL



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November 27, 2002  
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**INFORMATION DISCLOSURE CITATION**  
*(Use several sheets if necessary)*

DEC 09 2002

|  |   |
|--|---|
| Docket Number (Optional)<br><b>110/02847 (old 110/01309)</b> | Application Number<br><b>10/031,450</b> |
| Applicant(s)<br><b>Assaf DEKEL</b>                           |   |
| Filing Date<br><b>August 6, 2002</b>                         | Group Art Unit<br><b>3732</b>           |

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

| REF | DOCUMENT NUMBER | DATE       | COUNTRY | CLASS | SUBCLASS | Translation |    |
|-----|-----------------|------------|---------|-------|----------|-------------|----|
|     |                 |            |         |       |          | YES         | NO |
| 6   | DE 32 09 403    | 22 Sep '83 | GERMANY |       |          | ✓           |    |
| 7   | DE 40 36 804    | 21 May '92 | GERMANY |       |          | ✓           |    |
| 8   | WO 97/09940     | 20 Mar '97 | PCT     |       |          |             |    |
| 9   | WO 98/29047     | 9 July '98 | PCT     |       |          |             |    |
|     |                 |            |         |       |          |             |    |

**OTHER DOCUMENTS** (*Including Author, Title, Date, Pertinent Pages, Etc.*)

*Date, Pertinent Pages, Etc.)*

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**EXAMINER** \_\_\_\_\_ **DATE CONSIDERED** \_\_\_\_\_

**EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
110/02847 (old 110/01309)

In Re Application Of: Assaf DEKEL



Serial No.  
10/031,450

Filing Date  
August 6, 2002

Examiner  
Unknown

Group Art Unit  
3732

Title: METHOD AND APPARATUS FOR SPINAL PROCEDURES

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

37 CFR 1.97(b)

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

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